

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PENDLETON DIVISION

**BARRY LEWIS BROWN,**

No. 2:16-cv-00679-YY

Plaintiff,  
v.  
OPINION AND ORDER

**UNION COUNTY; SHERIFF BOYD  
RASSMUSON; COMMANDER LORI  
LUCAS; TIM CARY; KAREN PHELPS;  
UNION COUNTY CORRECTIONAL  
FACILITY,**

Defendants.

**MOSMAN, J.,**

On May 10, 2018, Magistrate Youlee Yim You issued her Findings and Recommendation (F&R) [78], recommending that Defendants' Motion for Summary Judgment [38] should be GRANTED. Plaintiff Barry Lewis Brown filed objections [86]. The Defendants responded [88].

**DISCUSSION**

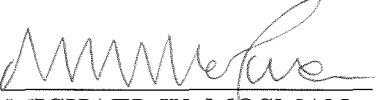
The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court

is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

Upon review, I agree with Judge You's recommendation and I ADOPT the F&R [78] as my own opinion. The Defendants' Motion for Summary Judgment [38] is GRANTED and this case is DISMISSED WITH PREJUDICE.

IT IS SO ORDERED.

DATED this 9<sup>th</sup> day of July, 2018.



MICHAEL W. MOSMAN  
Chief United States District Judge